

# BRESSLERAMERYROSS

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March 15, 2018

**VIA ECF ONLY**

Judge Claire R. Kelly  
U.S. Court of International Trade  
One Federal Plaza  
New York, New York 10278-0001

**Re: Lewis v. American Sugar Refining, Inc., et al  
Civil Action No. 14-cv-02302**

Dear Judge Kelly:

This office represents Defendant American Sugar Refining, Inc. and Mehandra Ramphal (collectively, the “Defendants”) in the above-referenced matter. A pretrial conference is scheduled before Your Honor on Monday, March 19, 2018. Please allow this letter to identify an issue that we intend to raise at the pretrial conference.

Specifically, this office seeks to have the jury consider punitive damages only after it determines liability and compensatory damages. Otherwise, the jury will hear irrelevant and prejudicial testimony about the Defendants’ financial information and gross revenue that has no tendency to prove or disprove any material fact at issue relating to compensatory damages or liability. I raised this issue today with Nathaniel Charney, Plaintiff’s counsel, in a good faith effort to meet and confer. If Plaintiff’s counsel intends to object to this request, and if Your Honor even deems it necessary, this office would request a very limited briefing schedule on this issue in an expedited fashion with letter briefs not to exceed five (5) pages. It is this office’s position that the law is crystal clear that any evidence as to the Defendants’ financial information is irrelevant pursuant to Federal Rule of Evidence 402, and grossly prejudicial, under Federal Rule of Evidence 403, in the liability and compensatory damages phase of a trial.

There is an abundance of case law to support this conclusion, but this office is choosing not to include same in this letter to avoid the appearance that we are trying to brief the issue in disguise. That is not our intent. Our intent is simply to apprise Your Honor of this potential issue and that this office attempted to meet and confer with Plaintiff’s counsel regarding same today.

We look forward to addressing this with Your Honor on Monday.

Respectfully submitted,

*/s/ Michael T. Hensley*

Michael T. Hensley

MTH/bjt

cc: Nathaniel K. Charney, Esq. (via ECF only)